



General Assembly

January Session, 2005

Committee Bill No. 5706

LCO No. 3493

03493HB05706HS_

Referred to Committee on Human Services

Introduced by:
(HS)

**AN ACT CONCERNING GRANDPARENTS CARING FOR
GRANDCHILDREN AND FOSTER CARE SUBSIDIES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 17a-126 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) As used in this section, "relative caregiver" means a person who
4 is caring for a child related to such person because the parent of the
5 child has died or become otherwise unable to care for the child for
6 reasons that make reunification with the parent not a viable option
7 within the foreseeable future and "commissioner" means the
8 Commissioner of Children and Families.

9 (b) The Commissioner of Children and Families shall establish a
10 [program of] subsidized guardianship program for the benefit of
11 [children] any child (1) in the care or custody of the commissioner who
12 [are] is living with a relative [caregivers] caregiver and who [have] has
13 been in foster care or certified relative care for not less than [eighteen]
14 twelve months, [. The commissioner, within available appropriations,
15 may establish a program of subsidized guardianship for the benefit of

16 children in the care or custody of the commissioner who are living
17 with relative caregivers and who have been in foster care or certified
18 relative care for not less than twelve but not more than eighteen
19 months] or (2) who is living with a relative caregiver who has been
20 appointed guardian or coguardian of the child by any court of
21 competent jurisdiction because the parent of the child has died or is
22 terminally ill and the child is at risk of foster placement and the income
23 of the relative caregiver is less than three hundred per cent of the
24 federal poverty level. The commissioner may establish an asset test for
25 eligibility under the program that shall apply only to the child's assets.

26 (c) A relative caregiver may request a guardianship subsidy from
27 the commissioner, on such form as the commissioner prescribes, in
28 accordance with this section. If adoption of the child by the relative
29 caregiver is an option, the commissioner shall counsel the caregiver
30 about the advantages and disadvantages of adoption and subsidized
31 guardianship so that the decision by the relative caregiver to request a
32 subsidized guardianship may be a fully informed one.

33 [(c)] (d) The subsidized guardianship program shall provide the
34 following subsidies for the benefit of any child [in the care of a relative
35 caregiver who has been appointed the guardian or coguardian of the
36 child by any court of competent jurisdiction] described in subdivision
37 (1) or (2) of subsection (b) of this section: (1) A special-need subsidy,
38 which shall be a lump sum payment for one-time expenses resulting
39 from the assumption of care of the child when no other resource is
40 available to pay for such expense; [and] (2) a medical subsidy
41 comparable to the medical subsidy to children in the subsidized
42 adoption program if the child lacks private health insurance; [. The
43 subsidized guardianship program shall also provide] and (3) a
44 monthly subsidy [on behalf of the child] payable to the relative
45 caregiver that [shall be] (A) for a child who qualifies pursuant to
46 subdivision (1) of subsection (b) of this section, is equal to the
47 prevailing foster care rate, and (B) for a child who qualifies pursuant to
48 subdivision (2) of subsection (b) of this section, is equal to the

49 prevailing foster care rate less the amount of any benefits for survivors
50 under the Social Security Act, federal Social Security disability or
51 temporary family assistance that the child is currently receiving. [The
52 commissioner may establish an asset test for eligibility under the
53 program.]

54 [(d)] (e) The commissioner shall adopt regulations in accordance
55 with chapter 54 [implementing] to implement the subsidized
56 guardianship program established under this section. Such regulations
57 shall require, as a prerequisite to payment of a guardianship subsidy
58 for the benefit of a minor child, that a home study report be filed with
59 the court having jurisdiction of the case of the minor within fifteen
60 days of the request for a subsidy, provided that no such report shall be
61 required to be filed if a report has previously been provided to the
62 court or if the caregiver has been determined to be a certified relative
63 caregiver by the commissioner. The regulations shall also establish a
64 procedure comparable to that for the subsidized adoption program to
65 determine the types and amounts of subsidy to be granted by the
66 commissioner as provided in subsection [(c)] (d) of this section, for
67 annual review of the subsidy as provided in subsection [(e)] (f) of this
68 section and for appeal from decisions by the commissioner denying,
69 modifying or terminating such subsidies.

70 [(e)] (f) The guardianship subsidy provided under this section shall
71 continue until the child reaches the age of eighteen or the age of
72 twenty-one if such child is in full time attendance at a secondary
73 school, technical school or college or is in a state accredited job training
74 program. Annually, the subsidized guardian shall submit to the
75 commissioner a sworn statement that the child is still living with and
76 receiving support from the guardian. The parent of any child receiving
77 assistance through the subsidized guardianship program shall remain
78 liable for the support of the child as required by the general statutes.

79 [(f)] (g) A guardianship subsidy shall not be included in the
80 calculation of household income in determining eligibility for benefits

81 of the relative caregiver of the subsidized child or other persons living
82 within the household of the relative caregiver.

83 [(g)] (h) Payments for guardianship subsidies shall be made from
84 moneys available from any source to the commissioner for child
85 welfare purposes. The commissioner shall develop and implement a
86 plan that: (1) Maximizes use of the subsidized guardianship program
87 to decrease the number of children in the legal custody of the
88 Commissioner of Children and Families and to reduce the number of
89 children who would otherwise be placed into foster care when there is
90 a family member willing to provide care; (2) maximizes federal
91 reimbursement for the costs of the subsidized guardianship program,
92 provided whatever federal maximization method is employed shall
93 not result in the relative caregiver of a child being subject to work
94 requirements as a condition of receipt of benefits for the child or the
95 benefits restricted in time or scope other than as specified in subsection
96 [(c)] (d) of this section; and (3) ensures necessary transfers of funds
97 between agencies and interagency coordination in program
98 implementation. The Commissioner of Children and Families shall
99 seek all federal waivers as are necessary and appropriate to implement
100 [this] the plan.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2005	17a-126
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Statement of Purpose:

To allow certain relative caregivers who care for a child in lieu of a parent to qualify for a subsidized guardianship.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. NAFIS, 27th Dist.

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